

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CASTOR “JOJO” JULIAN, JR., ACCUSED-APPELLANT.

G.R. No. 142774. July 03, 2002

Ponente: PUNO, J.

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PUNO, J.:

No grief surpasses that of a parent whose child lost not only her innocence, but also her life, in the most gruesome of circumstances. Finding his missing daughter submerged in a pond--- lifeless, and with all the indications of sexual abuse--- all courage escaped Estanislao Domingo. Elenalyn was only eight years old,[1] an honor student,[2] and the youngest of the Domingo siblings.[3]

Estanislao did not have enough strength to retrieve Elenalyn’s body from the filthy pond.[4] The burden fell upon his wife, Alejandra, who immediately noticed her daughter’s torn pantsuit and missing underwear and slippers.[5]

All fingers pointed to accused-appellant Castor “Jojo” Julian, Jr.--- a resident of the same Barangay and was last seen with the victim.

The Domingo family knew the accused-appellant for a long time. Estanislao Domingo worked as a helper of Clemente Balguna, accused-appellant’s father-in-law for three (3) years. He started working for Balguna when Elenalyn was only about four (4) or five (5) years old and used to bring her along when he reports for work. On the other hand, accused-appellant and his son would often visit and spend the night at Balguna’s house, as his wife was then abroad. Due to their frequent encounters, Elenalyn and the accused-appellant developed a friendship and treated each other as siblings.[6]

On August 30, 1996, an Information for Rape with Homicide was filed against accused-appellant with the Regional Trial Court of Laoag City, Branch 11, viz:

"That on or about 5:00 o'clock in the afternoon of 29 July 1996, in the municipality of Piddig, Ilocos Norte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused with the use of force, did then and there wilfully, unlawfully and feloniously have carnal knowledge with ELENALYN DOMINGO, a minor, eight (8) years of age and on the occasion thereof the said victim died as a consequence of the injuries she suffered.

CONTRARY TO LAW. "[7]

Upon arraignment, accused-appellant entered a plea of not guilty.[8] During the trial, spouses Estanislao and Alejandra Domingo took the witness stand together with Eleanor, the victim's older sister. Neighbors Arlene Barsolaso and Eduardo Agustin corroborated their testimonies, while Investigating Officer PO3 Santiago Esteban and Municipal Health Officer Dr. Diophantos Acob narrated their findings. The defense, on the other hand, presented the accused-appellant, Ceferino Julian and Clemente Balguna.

Prosecution evidence can be summarized as follows:

In the morning of July 29, 1996, Elenalyn Domingo went to school with her two elder siblings at the Estancia Elementary School, Estancia, Piddig, Ilocos Norte. Her mother dressed her with a pantsuit and underneath, a white underwear.[9]

At noon, the three of them returned home and joined their parents for lunch. After which, they went back to school for their afternoon subjects. Their parents, on the other hand, proceeded to the “luslusong” to plant rice.[10]

At around 4 p.m., Elenalyn and elder sister Eleanor walked home together. On their way home, they passed by a waiting shed near their house. Eleanor saw the accused-appellant standing near the waiting shed located on a “hilly portion.” He was wearing a jacket.[11]

When they reached their home, Eleanor saw an orange. She asked Elenalyn to inquire from their parents who brought the fruit. Elenalyn complied and proceeded to the “luslusong” to see her parents. Eleanor went out of the house and watched her younger sister head towards the “luslusong.” She saw the accused-appellant at the waiting shed, still wearing his jacket. He followed Elenalyn and caught up with her. When they were no longer in sight, Eleanor went back in to prepare food.[12]

In the same afternoon, at about 3:00 p.m., Arlene Barsolaso and her mother, Cecilia Agustin went to the fields of Estancia to uproot rice seedlings. They walked for about forty-five (45) minutes to reach the fields. They stayed there for some time and finished uprooting the rice seedlings at past four o’clock.[13] While uprooting rice seedlings, Arlene saw Elenalyn’s mother washing clothes in a nearby river at a distance of approximately 200 meters.[14]

On their way home, they passed through a barangay road and met accused-appellant and Elenalyn.[15] The former was wearing a T-shirt and violet pants while the latter was wearing “something like a raincoat colored violet.” The “raincoat” was big, covering Elenalyn’s whole body. Only her face was showing.[16]

Arlene asked Elenalyn where she was going but the latter only smiled and did not answer. It was the accused-appellant who told her that Elenalyn was looking for her parents. Arlene informed Elenalyn that her mother is “in the north.” Thereafter, Arlene and her mother proceeded home while accused-appellant and Elenalyn proceeded northeast leading to the ricefields. After about ten minutes, Arlene looked back and saw them still walking together.[17]

During her testimony, Arlene claimed that she had seen the accused-appellant wear that same “violet raincoat” several times before. She identified in court a parka jacket labeled “Winner large” with a violet collar, which is the dominant color, as the same “raincoat” worn by Elenalyn on July 29, 1996.[18] Clemente Balguna allegedly surrendered the jacket, marked Exhibit “J”, to the police authorities.

In the same afternoon, at about 2:00 p.m., Eduardo Agustin together with Abe Matute and two other persons from barangay Claveria, went to the fields of Calauag to plant rice. At about 5:00 p.m., they moved north of the Estancia Elementary school.[19]

Along their way, Agustin saw the accused-appellant in the company of a child. At a distance of 80 meters, Agustin easily recognized accused-appellant, being a long-time neighbor. However, he did not recognize accused-appellant’s companion as the child was wearing a violet jacket and the head was covered. He was also not able to determine if the child was a male or a female. He just assumed that the companion of the accused-appellant was a child because “he was small,” and “about 46-3/4 inches tall.”[20] In court, Agustin identified the parka jacket with violet as the dominant color, marked as Exhibit “J”, as the jacket worn by the child.[21]

Agustin noticed that the couple came from the west and were proceeding east. The two were following a canal, north of the school. He called to the accused-appellant but the latter did not respond. The accused-appellant and the child continued walking along the canal. After a while, the two jumped over the canal to the other side, went eastward, then stopped and stood at the edge of the canal. It was about 5:30 p.m.[22]

Agustin and his companions continued planting rice and finished at about 6:00 p.m. At that time, it started raining and they ran home. They never saw the accused-appellant and the child again.[23]

It was about 7:00 p.m. when Alejandra noticed that Elenalyn was missing. She asked Estanislao to look for their daughter so that they could have dinner together.[24] Thinking that Elenalyn was only watching television, Estanislao went to their relatives and neighbors who have television sets, among them, Leonida Agustin and Tiburcio Agustin. But his neighbors told him that they had not seen Elenalyn. Worried, he knocked at Romeo Agustin's door to borrow a flashlight but he was not able to borrow one. He went home hoping that his daughter was already there. He was wrong.[25]

Estanislao's search continued. He asked several neighbors for any information on Elenalyn's whereabouts. His first clue came from Lita Pablo who told him that she met his daughter at the waiting shed that afternoon. During that chance meeting, the girl had informed her that she going to the "luslusong" to see her parents. With this information, Estanislao proceeded to the "luslusong" but Elenalyn was nowhere to be found.[26]

Desperate, Estanislao again knocked at the house of Romeo Agustin at about 12:00 o'clock midnight. He told him that Elenalyn was missing and he needed the flashlight to aid him with his search. Hearing this, Romeo's wife, Cecilia, told him that Elenalyn might be at the accused-appellant's house. She and her daughter, Arlene Barsolaso, had seen the accused-appellant with Elenalyn that afternoon in Cabaruan.[27]

With this information, Estanislao asked his brother Patrocinio to accompany him to the house of Clemente Balguna. He told Balguna that his daughter was missing and that somebody saw her in the company of his son-in-law. Accused-appellant, coming from the rest room, told Balguna that he met Elenalyn that afternoon but they parted ways in the grassy portion of Cabaruan. Together with Clemente Balguna, Patrocinio and Nelson Agustin, Estanislao went to the place described by the accused-appellant. Not seeing Elenalyn, they formed two teams to conduct a thorough search of the area. However, their efforts proved futile.[28]

In the morning of July 30, 1996, when they were about to go home, they met Eduardo Agustin at the "luslusong." Eduardo Agustin told Estanislao that he met Elenalyn and the accused-appellant the day before in a place called "Pagngalagaan." Estanislao and company, now including his wife Alejandra, searched the place where Eduardo Agustin last saw the two together. They noticed that the "grasses were depressed." [29]

Eduardo Agustin went to a waterlily-covered pond, locally known as "palibtok" or "kubkub". The pond was east of where he had last seen Elenalyn and the accused-appellant standing the day before, and about three-arms length away from the flattened area. He noticed something and called Estanislao's attention. Using his foot, Estanislao was able to touch a dead body. He pulled it up and immediately recognized it to be his missing daughter, Elenalyn.[30] Shocked, he lacked the strength to continue and it was Alejandra who pulled out the body from the water.

Estanislao reported the discovery of his daughter's body to Clemente Balguna, who told him to immediately inform officers of the Philippine National Police (PNP), Pidding, Ilocos Norte. Together with one of the Kagawads, Benjamin Hilario, Jr., Estanislao proceeded to the municipal hall of Piddig.[31]

On the same day, Dr. Diophantos Acob conducted a post-mortem examination on the cadaver of Elenalyn. His findings show that:

“Victim in flexed upper extremity with extended wrist and partially flexed and abducted left lower extremity, attired in a dirty short pantsuit with floral prints in green, light green and pink color, body wet, with soil and leaves.

Height: 127.3 cm

No injuries on the scalp, fracture of the cervical vertebrae, with contusion hematoma and linear abrasion on the zygomatic area, left linear multiple abrasions noted on the anterior aspect of the neck, multiple abrasions on both lower and upper lips, tongue partially protruded clenched by both upper and lower teeth with blood coming from the lateral left side of the mouth, pupils equal and fully dilated.

Abdomen flat and soft, no external physical injuries noted on the anterior and posterior aspect of the body.

No pubic hair, vulva edematous, vaginal opening admits 2 fingers with resistance, hymenal lacerations noted at 3:00 and 6:00 positions measuring 1 cm and 1.5 cm respectively, blood clots noted at the vaginal opening.

Multiple contusions on both lower extremities and right upper extremity, washerwoman’s feet and hands.”

x x x x x x x x

Conclusions:

There were signs of extragenital injuries noted on the body of the victim at the time of the examination. Genital injury present showing that rape act had been committed on the alleged date of commission.

CAUSE OF DEATH: FRACTURE OF THE CERVICAL VERTEBRAE.”[32]

On the witness stand, Dr. Acob explained that when he removed Elenalyn’s jumpsuit, he immediately noticed clotted blood in her vagina. There were lacerations at the three and six o’clock positions. Her whole labia majora was swollen, indicating forceful introduction of an object. Her vaginal opening admits two fingers with resistance. All these circumstances were consistent with the crime of rape.[33]

Although there were no vaginal smear, Dr. Acob explained that the result of the test could have been altered due to the victim’s immersion in water. It was also possible that the perpetrator of the offense did not have an ejaculation.[34]

The contusion hematoma and linear abrasions found on the right cheek of the victim could have been caused by “forceful friction with a smooth object like a hand.” Dr. Acob opined that the perpetrator could have forcefully twisted the victim’s head by placing one hand on the chin and the other on the top of the head, thereby causing cervical fracture. This explains why the victim’s tongue partially protruded. He stressed that the fracture in the victim’s cervical vertebrae caused her instantaneous death.[35]

After Elenalyn’s interment, a reenactment was conducted at the crime scene. Among those who were present where: (1) then Provincial Governor of Ilocos Norte, Atty. Rodolfo Fariñas; (2) PNP Provincial Director Oscar Valenzuela; (3) then Provincial Prosecutor Dionisio Caoili; (4) PO3 Santiago Esteban; (5) Estanislao Domingo; (6) Alejandra Domingo; (7) Arlene Barsolaso; (8) Atty. Felix Salvador of the Public Attorney’s Office; and (9) the accused-appellant.

Photographs of the accused-appellant pointing certain places were taken during the reenactment.[36]

For the wake and burial of Elenalyn Domingo, the Domingos claimed to have spent a total amount of P104,036.00.[37]

For his part, accused-appellant interposed a defense of denial and alibi. He claimed that in the morning of July 29,

1996, he went to the house of his in-laws at Sitio Pandan, Barangay Estancia to get four (4) cows. At about 6:00 a.m., he went to the “luslusong” to pasture the cows. Thereafter, he returned home for breakfast. He then proceeded to Ruben Ventura’s poultry at Sitio Banayan, Estancia. After lunch, he returned home and had a nap.[38]

After waking, he proceeded to the “luslusong” to get the cows. On his way to the “luslusong” he met prosecution witness Arlene Barsolaso. He also noticed a child walking north, about 90 meters away, towards the river. However, he could not determine the child’s gender because she was wearing a “buri” hat.[39] He also did not notice if the child was wearing a jacket. On the other hand, accused-appellant was wearing a black jacket.[40]

Accused-appellant proceeded east where he grazed the cows. After which, he saw Ceferino Julian. They walked home together. At that time, it was cloudy and drizzling. He reached his house before 5:00 p.m. Accused-appellant spent the night in the house of his in-laws.[41]

At about 8:00 p.m. of July 30, 1996, some police officers went to the house of his in-laws, took him and brought him to the police station. It was only then that he learned he was being investigated regarding Elenalyn.[42]

From the time he was arrested until the reenactment, no counsel assisted accused-appellant. He claimed that he did not know Atty. Felix Salvador. Furthermore, the police officers merely told him to point to a certain place while somebody was taking pictures. He only learned later that it was the place where the body of Elenalyn was found.[43]

Ceferino Julian corroborated accused-appellant’s testimony. He testified that after taking lunch on July 29, 1996, he went to the fields to plant rice. He saw the accused-appellant take his cows to the “luslusong” and grazed them in the fields. Later, accused-appellant asked him if he was already going home. Answering in the affirmative, the two of them walked home together.[44]

Clemente Balguna testified that when he arrived home after visiting the field in the afternoon of July 29, 1996, he saw the accused-appellant in his house. His wife, grandchildren, sons, as well as his drivers were also there. The cows, which the accused-appellant grazed, were already in the cow pen. Accused-appellant conversed with the drivers and had a drink with them. Thereafter, they had supper together. After their meal, accused-appellant took his son and went to the bedroom to sleep.[45]

That night, Estanislao Domingo went to the house of Clemente Balguna, Barangay Captain at that time, to report that Elenalyn was missing. Estanislao was with his brother and some other companions. Estanislao saw accused-appellant but did not ask him anything.[46]

Clemente Balguna joined the group to search for Elenalyn. However, they were not able to find the missing child. In the morning of July 30, 1996, he was informed that Elenalyn was found in the “kubkub.” He asked one of his kagawads to report the matter to the police authorities. When the policemen arrived, Clemente Balguna went with them to the “kubkub.” There, he saw Elenalyn’s mud-covered body.[47]

On the night of July 30, 1996, Estanislao went back to Clemente Balguna’s house, threatening to shoot accused-appellant. Estanislao suspected that it was the latter who killed his daughter. Clemente Balguna advised the accused-appellant to go with the police authorities to avoid any untoward incident.[48]

Clemente Balguna corroborated accused-appellant’s testimony that during the reenactment, the police officers asked him “to point to places.” He denied surrendering a jacket marked Exhibit “J” to PO3 Santiago Esteban.[49]

The lower court disregarded all evidence relating to the reenactment, reasoning that the accused-appellant’s right to counsel was violated. Nevertheless, on the basis of the remaining evidence, the lower court found the

accused-appellant guilty as charged and meted the supreme penalty of death. However, it did not grant the amount of P104,036.00 prayed for as actual damages for failure of the spouses Domingo to substantiate their claim with receipts of the expenses. Instead, it awarded nominal damages of P20,000.00. The dispositive portion of the decision reads:

“WHEREFORE, judgment is hereby rendered finding the accused Castor Jojo Julian, Jr., GUILTY BEYOND REASONABLE DOUBT of the special complex crime of rape with homicide under Section 11 of Republic Act No. 7659 amending Article 335 of the Revised Penal Code and is sentenced to the penalty of DEATH. The accused is hereby ordered to indemnify the heirs of the victim, Elenalyn Domingo, the sum of P100,000.00 as civil indemnity for her death and P20,000.00 as nominal damages.

Pursuant to Section 22 of Republic Act No. 7659 amending Article 47 of the Revised Penal Code, let the record of the instant case be forwarded to the Supreme Court for automatic review.

SO ORDERED.”[50]

The records of the case were forwarded to this Court for automatic review. Accused-appellant now alleges that the circumstances relied by the court a quo were insufficient to support a finding that he is guilty beyond reasonable doubt of the crime for which he was charged.[51]

We have scrutinized the records of this case with care and caution, mindful of the grief endured by the Domingo spouses for the loss of their precious child. Perhaps, at this very moment, their wounded emotions have not completely recovered and the memory of Elenalyn’s gruesome death still lingers like a restless ghost. However, we are constrained by our solemn duty to resolve every controversy with utmost impartiality, swayed neither by sympathy nor prejudice. Where the supreme penalty of death is involved, even greater prudence is required of us.

After carefully weighing all the evidence on record and the applicable jurisprudence on the matter, we resolve to reverse the trial court and uphold the accused-appellant’s innocence.

The 1987 Constitution gives accused-appellant the right to be presumed innocent.[52] This presumption prevails unless overturned by competent and credible evidence proving his guilt beyond reasonable doubt. Failure to surpass this yardstick of proof should lead to an acquittal, for our fundamental law behooves this Court to consider any and all doubt in his favor.

From the records, it is clear that accused-appellant’s conviction by the trial court hinged on circumstantial evidence. No direct evidence was presented to link him with the crime charged. The trial court, thus, relied on the following circumstances to conclude that he was the author of the crime:[53]

- (a) That Eleanor Domingo saw accused-appellant following Elenalyn while Elenalyn was on her way to the “Iulusong” to look for their parents at about 4:00 p.m. of July 29, 1996, and that the accused was able to catch up with Elenalyn;
- (b) That Arlene Barsolaso and her mother met accused-appellant with Elenalyn at past 4:00 p.m. Elenalyn wore “something like a raincoat colored violet.” The two headed northeast leading to the ricefields;
- (c) That at about 5:00 p.m., while he was planting rice north of Estancia Elementary school, Eduardo Agustin saw the accused-appellant with a child who was wearing a violet jacket. The two were about 80 meters from him;
- (d) That Elenalyn was discovered missing at about 7:00 p.m. of the same day and could not be found despite the search;
- (e) That in the morning of July 30, 1996, the dead body of Elenalyn was found in the “kubkub” near the place where Eduardo Agustin saw the accused-appellant and the child were standing in the late afternoon of July 29,

1996; and

(f) That Dr. Diophantos Acob, the Municipal Health Officer of Piddig, Ilocos Norte who conducted the post-mortem examination on the cadaver of Elenalyn Domingo, concluded that Elenalyn was raped before she was killed.

Although the guilt of the accused-appellant may be proven by circumstantial evidence, the Rules of Court requires stringent measures to preserve the protective mantle our Constitution affords every accused. Thus, to validly invoke circumstantial evidence, there must be more than one circumstance and the facts from which the inferences are derived are proven. The combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.[54]

The rule is clear that to convict the accused based on circumstantial evidence, there must be at least two proven circumstances, which in complete sequence, leads to no other logical conclusion than that of the guilt of the accused.[55] Like a tapestry made of strands which create a pattern when interwoven, a judgment of conviction based on circumstantial evidence can be upheld only if the circumstances proved constitute an unbroken chain which leads to one fair and reasonable conclusion pointing to accused, to the exclusion of all others, as the guilty person.[56]

A perusal of the records, however, reveals that the witnesses for the prosecution testified to but a single, albeit continuing, circumstance that may tend to incriminate the accused-appellant, that is, he was in the company of the victim in the afternoon of July 29, 1996. That they were seen together at different places and time of July 29, 1996, with the victim wearing the accused-appellant's jacket, does not ipso facto warrant a conclusion that it was the accused-appellant who perpetrated the bestial acts against the victim.

Between 5:30 p.m. of July 29, 1996 when accused-appellant was last seen with the victim until the discovery of her body in the early morning of July 30, there was paucity of evidence. The prosecution failed to present proof even remotely connected to the elements of the offense which may lead an unprejudiced mind to conclude that the accused raped and killed the victim. Hence, while we agree with the findings of Dr. Diophantos Acob that Elenalyn was raped before her death, moral certainty is lacking in the conclusion of the trial court pointing authorship of the crime to the accused-appellant.

Arlene Barsolaso testified that Estanislao Domingo went to their house at around 7:30 p.m. of July 29, 1996 to borrow a flashlight. He came back again at about 12:00 midnight and seek for help. By his own account, Estanislao proceeded immediately to the house of Clemente Balguna to inquire about his missing daughter. He admitted seeing accused-appellant at Balguna's house.

Dr. Acob conducted the post-mortem examination on the victim's body at around 10:30 a.m. of July 30, 1996. According to him, the victim instantaneously died while being raped due to cervical fracture. This occurred about eight (8) to twelve (12) hours earlier, viz:

“x x x x x x x x

Q:

You were saying that you cannot say what time Elenalyn Domingo died. Can you make an estimate on how long she was already dead at the time you examined her?

A:

More than eight (8) hours, sir.

Q:

When you say more than eight (8) hours, can you say how many hours after eight (8) hours, or could it have been twelve, fourteen hours that she was already dead?

A:

Not more than twelve (12) hours, sir.

Q:

Why do you say that, Doctor?

A:

Because the body was not bloated.

Q:

How long was she in the water in your estimate, if she was not yet bloated?

A:

Less than eight (8) hours.

x x x x x x x x.”[57]

Following Dr. Acob’s estimate, the crime could have happened between 10:30 p.m. of July 29 to 2:30 a.m. of July 30, 1996. At that time, Estanislao was already searching the area. Others accompanied him later. But neither Estanislao nor his companions witnessed anything that would incriminate the accused-appellant.

Lastly, the fact that the grasses on which the accused-appellant and the victim were last seen standing were found to be “depressed” the next day, has little evidentiary weight. At best, it merely raises the suspicion against the accused-appellant. Nonetheless, evidence showing a mere possibility of guilt, no matter how strong, is insufficient to warrant a conviction.[58]

It bears emphasis that the conclusion of this Court, upholding his innocence, does not in any way imply that he is totally spotless and guiltless of the crime for which he was charged. It only means that measured against the required quantum of evidence in criminal cases, the prosecution failed in its duty to overcome the presumption laid down by our fundamental law in favor of the accused.

IN VIEW WHEREOF, the decision of the Regional Trial Court of Laoag City, Branch 11, is REVERSED AND SET ASIDE, and accused-appellant Castor “Jojo” Julian, Jr. is ACQUITTED of the special complex crime of rape with homicide on the ground of reasonable doubt. It is ordered that he should be immediately released unless there be other valid cause for his continued detention. The Director of the Bureau of Corrections is further ordered to report to this Court the implementation of this decision.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Vitug, Kapunan, Mendoza, Panganiban, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, and Corona, JJ., concur.
Quisumbing, J., on leave.

- [1] Elenalyn's Birth Certificate shows that she was born on May 23, 1988. At the time of the incident, she was eight (8) years and two (2) months old.
- [2] Elenalyn was in Grade II when she died. She was second honor in her class. TSN, Alejandra Domingo, May 6, 1999, pp. 6-7.
- [3] Elenalyn's older sister Eleanor was in Grade 6 while her brother Leonardo was in Grade 3 when the incident happened. Id., November 15, 1999, p. 2.
- [4] TSN, Estanislao Domingo, November 12, 1998, p. 24.
- [5] Supra note 2, pp. 2-4.
- [6] TSN, Estanislao Domingo, September 24, 1998, pp. 16-21.
- [7] Rollo, pp. 10-11.
- [8] Records, p. 28.
- [9] Supra note 2, p. 3.
- [10] TSN, Estanislao Domingo, September 1, 1997, p. 4.
- [11] TSN, Eleanor Domingo, December 7, 1999, pp. 56-57.
- [12] Id., p. 59.
- [13] TSN, Arlene Barsolaso, November 23, 1999, pp. 10-12.
- [14] Id., p. 14.
- [15] Id., p. 12.
- [16] Id., pp. 21-22.
- [17] Id., pp. 15-16.
- [18] Id., pp. 22-24.
- [19] TSN, Eduardo Agustin, November 26, 1999, pp. 29-30.
- [20] Id., pp. 30-31.
- [21] Id., p. 40.
- [22] Id., pp. 34-35.
- [23] Id., p. 35.
- [24] TSN, Alejandra Domingo, November 12, 1998, p. 22.
- [25] Supra note 10, pp. 6-7.

[26] *Id.*, p. 8.

[27] *Id.*, p. 9, 11. In her testimony, Arlene Barsolaso testified that he was the one who informed Estanislao Domingo to look for Elenalyn at the accused-appellant's house. See TSN, November 23, 1999, p. 17.

[28] *Id.*, pp. 10-13.

[29] *Id.*, pp. 15-16.

[30] *Id.*, p. 16.

[31] *Id.*, p. 17.

[32] Autopsy Report No. 7-96-03, Exhibits "M" and "M-2", Records, pp. 11-12. The Report was prepared by Dr. Diophantos M. Acob, M.D., Municipal Health Officer of Piddig, Ilocos Norte.

[33] TSN, Dr. Diophantos Acob, December 10, 1999, pp. 65-68.

[34] *Id.*, pp. 72-73.

[35] *Id.*, pp. 69-71.

[36] TSN, PO3 Santiago Esteban, December 10, 1999, p. 88.

[37] *Supra* note 2, pp. 5-6.

[38] TSN, Castor "Jojo" Julian, Jr., January 5, 2000, pp. 99-100.

[39] *Id.*, pp. 102-104.

[40] *Id.*, January 6, 2000, p. 136.

[41] *Supra* note 38, pp. 105-106.

[42] *Id.*, p. 106.

[43] *Id.*, pp. 108, 125-126.

[44] TSN, Ceferino Julian, January 7, 2000, p. 139.

[45] *Id.*, pp. 163, 165-166.

[46] *Id.*, 165-166.

[47] *Ibid.*

[48] *Id.*, p. 167.

[49] *Id.*, p. 169.

[50] RTC Decision, Rollo, pp. 59-60.

[51] Appellant's Brief, Rollo, p. 71.

[52] Article III, section 14 (2).

[53] RTC Decision, Rollo, pp. 50-52.

[54] Rules of Court, Rule 133, section 4.

[55] People vs. Bravo, 318 SCRA 812, 824 (1999).

[56] People vs. Geron, 281 SCRA 36, 37 (1997).

[57] Supra note 33, pp. 78-79.

[58] People vs. Comesario, 306 SCRA 400, 404 (1999).

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